

## May 2013 Mid-year NPDES Program Session with Hawaii

### 1. FY13 Highlights

- a. Established approach for implementation of nutrient WQS in permits.
- b. Obtained CWA 303(c) approval for implementation of compliance schedules for WQBELs.
- c. Established short-term approach for assessing assimilative capacity.

### 2. FY13 Permit Issuance Status

- a. GP Rulemaking on track to meet schedule provided in December 2012.
- b. DOH issued 2 of the 6 permits they committed to issuing in 2<sup>nd</sup> Quarter and 1 permit for 3<sup>rd</sup> Quarter (based on the December 2012 revised workplan schedule).
- c. May 2013 Status of FY13 Commitments:

	# Proposed	# Issued	% FY13 Schedule Completed	# Current / Total	% Current
<b>Majors</b>	8	1	13%	10/18 <sup>b</sup>	56%
<b>Major MS4s</b>	1	0	0%	1/2	50%
<b>Non-SW Minors</b>	5	2	40%	26/35 <sup>b</sup>	74%
<b>Minor MS4s</b>	0	n/a	n/a	1/6	17%
<b>SW Minors</b>	0	n/a	n/a	89/95	94%
<b>General Permits</b>	12 <sup>a</sup>	0	0%	1/13 <sup>b</sup>	8%
<b>Total</b>	<b>26</b>	<b>3</b>	<b>21%<sup>a</sup></b>	<b>128/169</b>	<b>76%</b>

<sup>a</sup> General Permits scheduled to be completed by end of calendar year (December 2013), so excluded from calculation of total % FY13 Schedule Completed.

<sup>b</sup> ICIS not updated with these current numbers.

### 3. Performance Concerns:

- a. Implementation of the grant condition for failure to meet 106 grant workplan commitments (specifically: Pearl Harbor Naval Shipyard and Kailua WWTP permits)

- b. Recommendations:
  - i. Adhere to the turn-around times included in the contract schedule.
  - ii. Move permits forward, instead of waiting for changes to State rules (examples: compliance schedules, intake credits).
  - iii. Adhere to deadlines provided to discharger for comments/information (no extensions).

#### **4. FY14 Plan**

- a. Final issuance of General Permits Rulemaking by December 2013.
- b. DOH proposed individual permit issuance
  - i. Contractor-supported permits
- c. Approach to permitting Maui MS4 (contractor assistance?)
- d. WQS rule changes? (ex. intake credit or WER authorizations, dilution clarifications)

#### **5. Developing permit limits for nutrients and associated mixing zone analysis issues**

- a. DOH proposal to establish performance-based limits instead of WQBELs when assimilative capacity available.
- b. DOH proposal to not establish limits until dilution studies/additional information provided during next permit term.

#### **6. TIE/TRE**